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FILED

April 17, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Tobey Palan,
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF :	Administrative Action
:	
JAMES R. COLE, MD. :	AMENDED CONSENT ORDER
License No. :	OF LIMITED REINSTATEMENT
:	
TO PRACTICE MEDICINE AND SURGERY:	
IN THE STATE OF NEW JERSEY :	

This matter was opened to the State Board of Medical Examiners (Board) upon Respondent's petition for an Order which reduces the limitations currently imposed on his medical license. Respondent voluntarily surrendered his license by Consent Order filed August 12, 2004 based upon his relapse into the use of alcohol and opiate analgesics.

Respondent petitioned the Board, and had a March 23, 2005 appearance before a Committee of the Board, at which he sought limited reinstatement of his license. The Board filed a Consent Order of Limited Reinstatement of Respondent's license on May 17,

CERTIFIED TRUE COPY

2005. The Consent Order restricted Respondent's license in that he could only work in an office setting (with no ability to perform surgery) as an orthopedist at his office in Englewood, NJ.

Respondent thereafter petitioned the Board and had an August 23, 2006 appearance before a Committee of the Board, at which he sought to amend the Consent Order of limited reinstatement of licensure. He was accompanied by David I. Canavan, M.D., of the Professional Assistance Program of New Jersey (PAP). According to the PAP Position Statement dated August 23, 2006 and Dr. Canavan's testimony, Respondent has been alcohol and drug free for over 27 months; Respondent has been compliant with all aspects of his aftercare plan, including random weekly urine monitoring; attendance at daily meetings of Alcoholics Anonymous; attendance at group aftercare on a weekly basis under the supervision of Arnold Washton, Ph.D.; attendance at quarterly follow-up visits with his psychiatrist, Zeb Labins, M.D.; and face-to-face meetings with a PAP representative once every two months. In addition, Dr. Cole has not had any relapse since his license was reinstated on a limited basis on May 17, 2005.

It appearing that Respondent has satisfied the terms and conditions of his aftercare plan as set forth in the Consent Order filed on May 17, 2005, has been drug and alcohol free for over 27 months, considering the Position Statement of the PAP, Dr. Canavan's testimony and Respondent's testimony before the Committee

of the Board on August 23, 2006, and for other good cause shown;

IT IS, THEREFORE, ON THIS day of , 2007

HEREBY AGREED AND ORDERED:

1. Respondent shall be granted a limited license to practice medicine in the State of New Jersey under the following conditions:

(a) Respondent has represented that he works in a multiple provider orthopedic practice in Englewood, New Jersey (Englewood Orthopedic Associates, LLC). Respondent's practice of medicine and surgery in the State of New Jersey is limited solely to the office setting at Englewood Orthopedic Associates, LLC and "The Doctor Is In" facility located in West New York, New Jersey. Respondent who is an orthopedic surgeon, agrees not to practice surgery in any licensed healthcare facilities or hospitals; and Respondent agrees that he will perform orthopedic consultations in a hospital setting only at Englewood Hospital in New Jersey;

(b) Respondent shall maintain absolute abstinence from all psychoactive substances and alcohol unless prescribed by a treating physician for a documented medical condition and in the usual course of the treating physician's medical practice with notification to the Medical Director of the PAP;

(c) Respondent shall continue to submit to random urine monitoring under the auspices of the PAP at a frequency which is commensurate with Respondent's duration of recovery. Any future reductions in urine screens will be at the discretion of the

Executive Medical Director of the PAP with notifications to the Board;

(d) Respondent shall demonstrate regular documented attendance at the support group of Alcoholics Anonymous at a minimum of three meetings each week;

(e) Respondent shall continue his involvement in group aftercare with Arnold Washton, Ph.D. until such time as Dr. Washton and the Executive Medical Director of the PAP agree that it is no longer required with notification to the Board;

(f) Respondent shall continue his treatment with Zeb Labins, M.D. at a frequency to be determined by Dr. Zeb Labins until such time as Dr. Labins, and the Executive Medical Director of the PAP agree it is no longer required with notification to the Board;

(g) Respondent shall comply with face-to-face visits once every two months with a representative of the PAP for a minimum of one year from the date of this Order with reductions thereafter at the discretion of the Executive Medical Director of the PAP with notification to the Board;

(h) Respondent shall be responsible to ensure that the PAP supplies quarterly reports to the Board regarding his progress. An immediate (within 24 hours of awareness) report both orally and in writing, shall be made by the PAP to the Board of any information that Respondent engaged in any violation of any laws

regarding controlled dangerous substances or alcohol or any positive urine screen or failure to appear for urine monitoring. Further, Respondent expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosures by the PAP to the Board;

(I) Respondent hereby consents to the PAP reporting to the Board any indication of a slip, relapse, non-compliance with the recovery program or any use of psychoactive substances or alcohol unless prescribed by a treating physician aware of Respondent's substance abuse history. There is to be immediate notification by name, to the Board's Executive Director. In the event, upon the Board's receipt of any information which the Board in its sole discretion deems reliable, that Respondent has materially failed to comply with any of the conditions set forth above, or any report of a confirmed positive urine, or a prima facie showing of any abuse, possession or distribution of controlled substances, Respondent consents to the entry of an Order resulting in the immediate automatic temporary suspension of license. Said suspension is to be memorialized in a public State Board of Medical Examiners' Order.

(j) Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive;

(k) Respondent shall be responsible for the payment of all costs associated with this monitoring program.

(l) Respondent shall provide the owners (Drs. Ronald Weiss and Berestran Williams and any successors) of The Doctor Is In facility located in West New York, NJ a copy of this Order prior to beginning his employment. Drs. Weiss and Williams must send a letter to the Executive Director of the Medical Board, William Roeder, confirming their receipt of this Order.

NEW JERSEY BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD
Sindy Paul, M.D.

I have read and understood the above Order and agree to be bound by its terms. I hereby consent to the entry of this Order:

James R. Cole M.D.
JAMES R. COLE, M.D.

I have read and understand the within Order and agree to comply with the terms which relate to the Professional Assistance Program of New Jersey (PAP).

J. Edgar
Professional Assistance Program
of New Jersey